

WFD implementation in the context of varying governance systems: Norway, Sweden, Finland, Austria and Scotland

How to improve resource effective
implementation of WFD in Nordic countries

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Basis for comparison

	Austria	Scotland	Sweden	Finland	Norway
Pop. (mill.)	8,5	5,3	9,6	5,4	5,1
Area (km ²)	83,8	78,4	449,9	338,1	385,2
Water (%)	1,7	1,9	8,7	10	5,2
Water bodies	7 475	3 095	26 441	6 153	17 000
Hydropower (Gwh)*	37 719	?	66 556	12 445	122 080

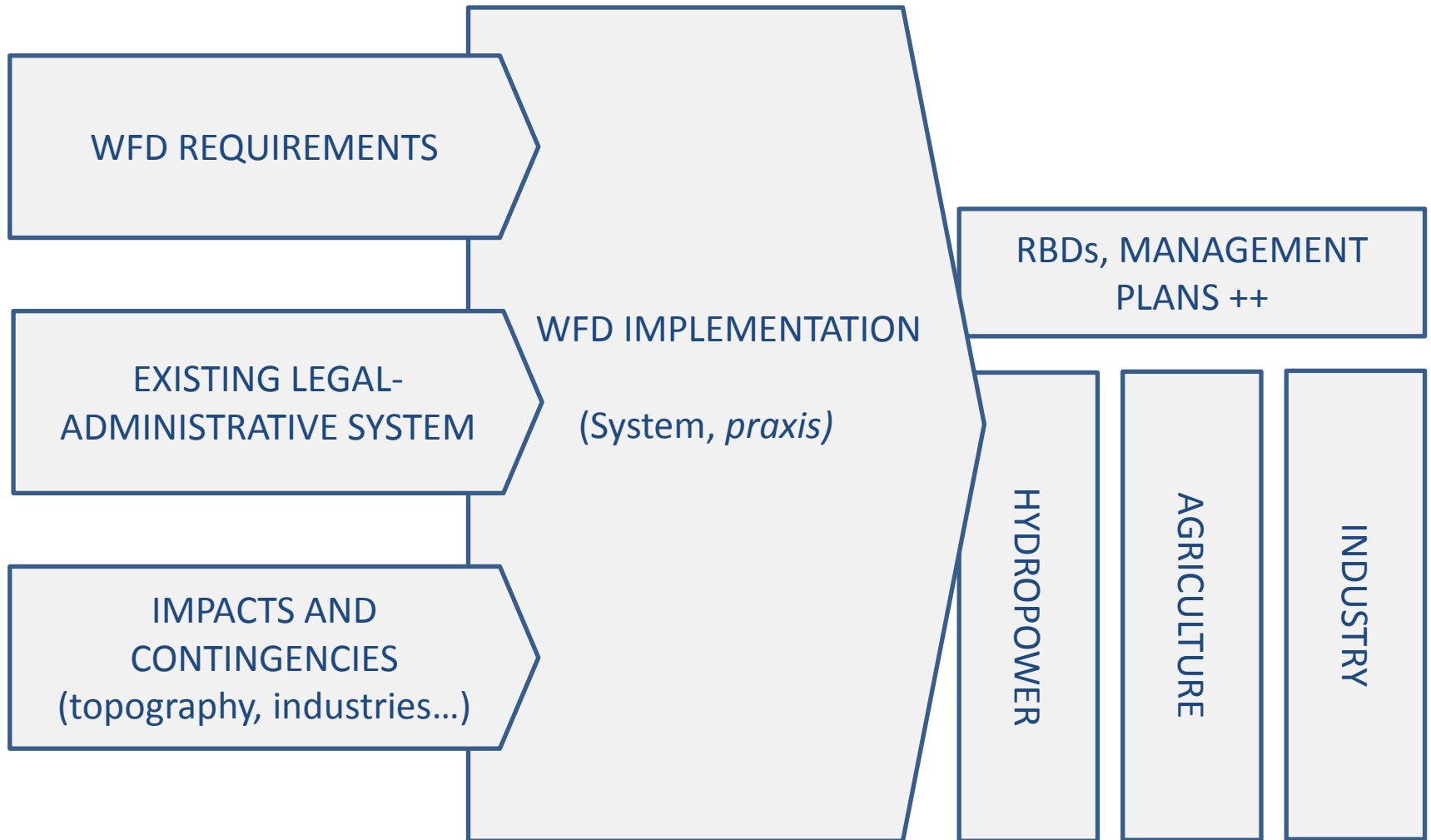
Environmental policy integration - trends in global/EU policy development

- EPI: World commission/sustainable development
- Rio 1992, agenda 21, OECD
- EU: 1993 5th EAP: Horizontal coordination og consultative forums
- Amsterdam treaty
- «Mainstreaming», «new soft modes» og «new approach in EU environmental policy»

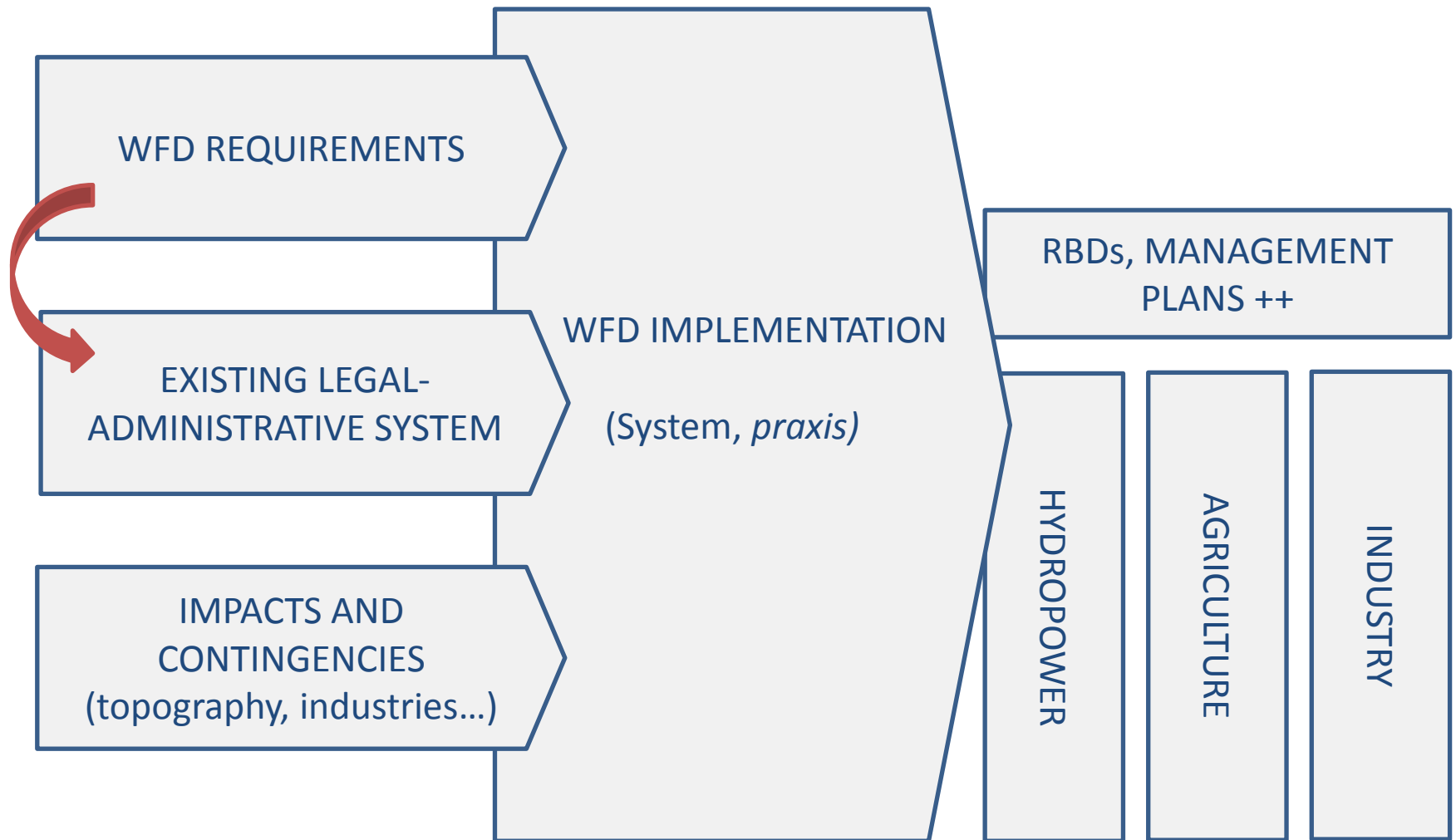
“Environmental Policy Integration”

- Vertical integration: Are the sectors of government “greening”?
- Horizontal integration: Is there overarching coordination across the sectors?

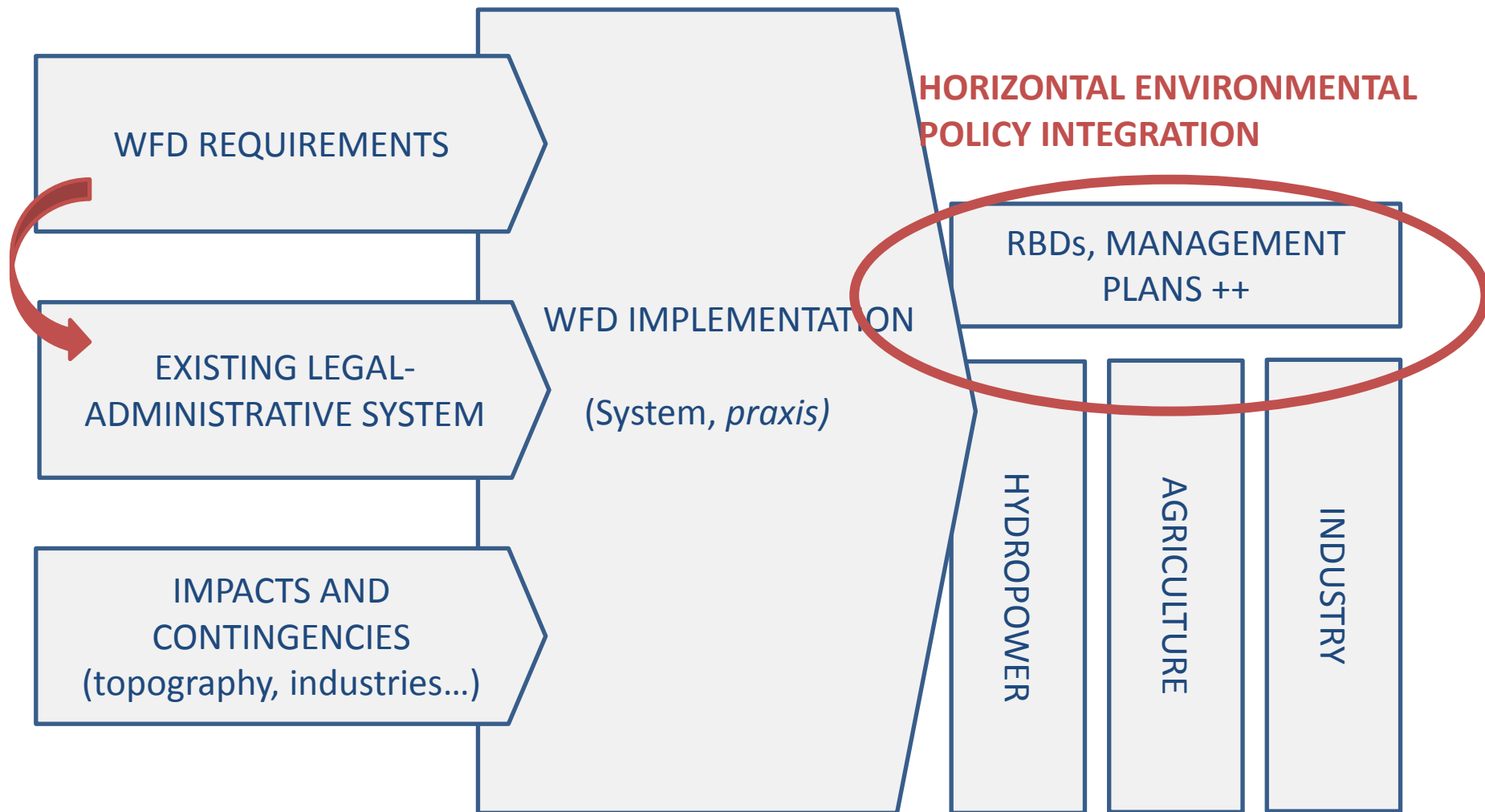
Institutional preconditions for goal achievement



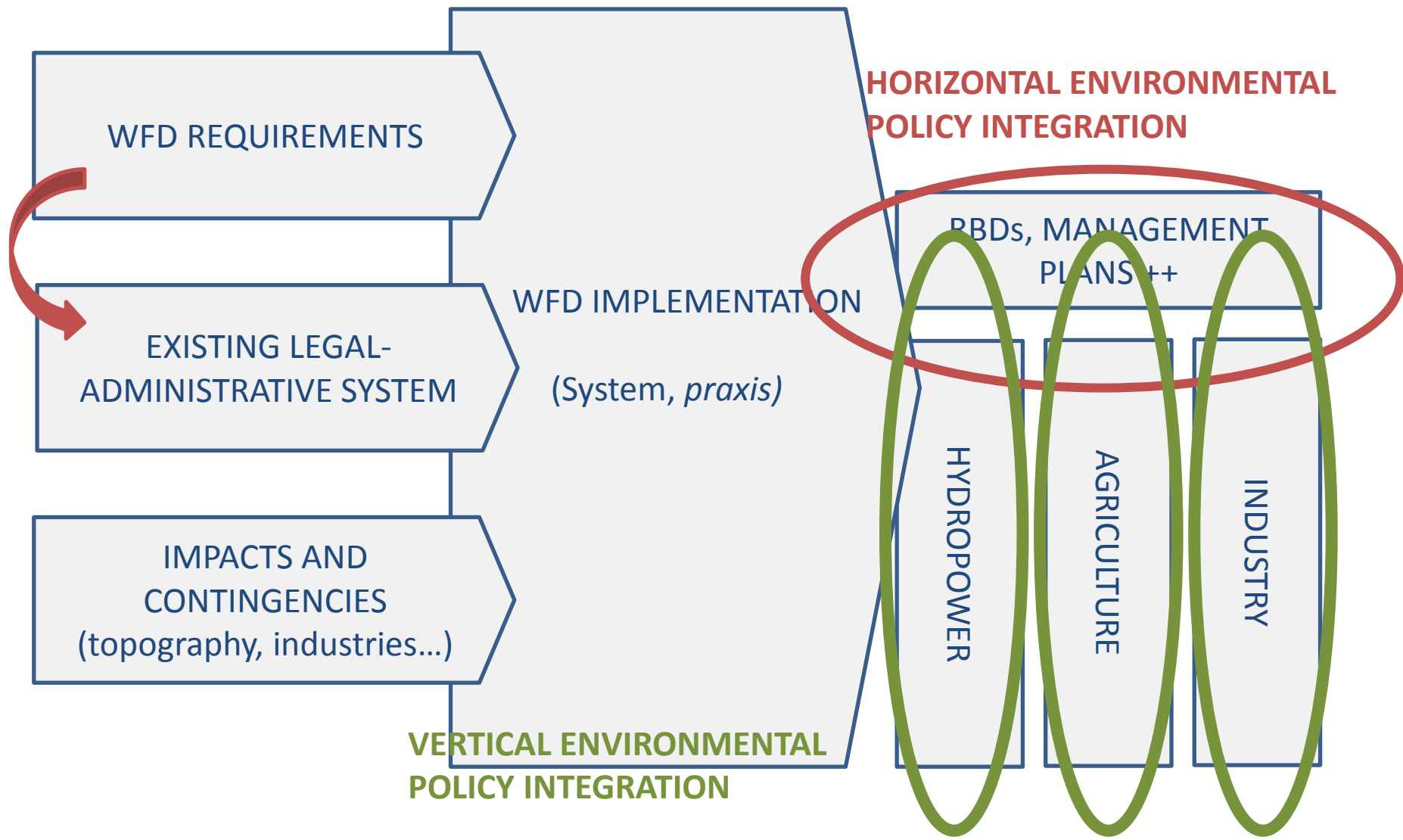
Institutional preconditions for goal achievement



Institutional preconditions for goal achievement



Institutional preconditions for goal achievement



	Austria	Scotland	Sweden	Finland	Norway
WFD impl.in legal system	-Water Act with ordinances	- Water EaWAct -Water E. CAR	-Environmental Code	-Act on Water R. Management	-Water regulation
Legal basis for measures	(Same)	(Same)	(Same?)	-Water act -Environmental protection act	6 + laws
Regulatory powers	Extensive/ Flexible	Extensive/ Flexible	Uncertain	Variable	Variable
WFD implementation	Lebensmin., states	SEPA	- SwAM -Counties	- Ministry of Env. - SYKE - ELY centers	-Ministry of Env. - Env. Dir. - Counties
Water regulations Competent authority	(Same)	(Same)	-SwAM -Env. courts -Swedish Env. Protection Agency - Forest Agency -Others	- RSAA	-Norwegian Water Resources and Energy Dir. -Pollution Control Authority -Municipalities +
WFD implementation	1 (3) RBD No sub-districts	1 RBD No sub-districts	5 RBDs X sub districts	8 RBDs Project-based	11+5 RBDs ~101 Sub-districts
Ecosystem based	No	No	Partially	Yes	Yes
Water regulations competent authorities	-States of the Austrian federation		-Counties (län) -Various regional divisions of competent authorities	-Regional state administrative agencies -ELY centres	-Counties -Municipalities -Various regional divisions of comp.auth.
Centralization	High	High	Low	Low	Variable

Power license setup: Three models

Hydropower licenses are granted and reviewed by...

- Independent legal/adm. body: Finland, Sweden
(RSSA, Env. Courts)
- Environmental authority: Austria, Scotland
(Lebensministerium, SEPA)
- Sectorial authority: Norway
(Energy min./ Water and Energy Dir.)

	Austria	Scotland	Sweden	Finland	Norway
WFD implementation in legal system	-Water Act with ordinances	-The Water Env. and Water Services Act + CAR	- Swedish Environmental Code	-Act on Water resources Management	-Water regulation
Legal basis for regulatory measures	(Same)	(Same)	(Same)	-Water act -Environmental protection act	-Watercourse Regulation Act -Acquisition Act -Watercours. Act
Hydro licenses	Time limit	Time limit	Perpetual	Perpetual	Time limit
Scope for revoke/revise	Feasible with reference to EU legislation and public good	Feasible with reference to EU legislation and public good	No licenses revoked	Unfeasible, strong legal status	Many licenses approach expiration date
Praxis	Revision of licenses + mitigating measures to be phased in.	Voluntary restoration (Tummel, Conon and Ness) by industry initiative, zero reduction of power output.	Reviews of licenses under way in some RBDs.	Voluntary measures proposed by industry. GES defined by availability of measures	Large backlog of revisions to be carried out. Political pressure for increased power output.

Agriculture: Predominantly voluntary measures

- Finnish agri-environment support scheme
- Norwegian Regional Environmental Program
- Sweden: RBDs referred matter to other authority
- Scotland: SEPA grants licenses for water abstraction and is also empowered to enforce “General binding rules” for specific activities
- Austria:

Horizontal policy integration

- Centralised/administrative: Austria, Scotland
- Decentralized/partially ecosystem-based/administrative: Finland
- Decentralized/ecosystem-based: Sweden, Norway

Østerrike, legal powers

Ordinance drawn up by the Federal Minister for Agriculture, Forestry, Environment and Water Management on the Action Programme 2008 concerning the protection of waters against pollution caused by nitrates from agricultural sources – Action Programme 2008

CELEX No 391L0676

The following Ordinance is adopted on the basis of Sections 551 and 133(6) of the Water act of 1959 (WRG 1959), BGB1 No 215, as last amended by the Federal Act promulgated in BGB1. No 123/2006:

Purpose

Section 1. The aim of this programme is to reduce water pollution caused or induced by nitrates from agricultural sources and to prevent further such pollution.

Periods in which nitrogen-containing fertilizer may not be applied to agricultural land

Section 2. (1) Subject to the provisions set out in subparagraph (3), the application of nitrogen-containing commercial fertilizers, liquid manure, slurry and sewage sludge not covered by subparagraph (2) on agricultural land without vegetation cover is prohibited in the period between 15 October and 15 February the following year...

Single ministry for agriculture, forestry and water

Regulation pursuant to the water act

Fertilizing prohibited 15 oct – 15 feb.

Scotland

- Legal:
 - Controlled Activities Regulation (CAR) authorizes licences for all environmental stressors to water
 - Flexible/coercive powers
- Institutional:
 - Scottish Environmental protection Agency (SEPA) has a very broad mandate (= MD + DN + KLIF + NVE + (...) FM miljøavd)
 - Conjoint environmental and sectoral authority
- Territorial:
 - One river basin for the whole of Scotland
 - Weak status for ecosystem-based divisions
 - Regional and local agencies of SEPA are in charge, little significant role for other regional/local authorities.

Sweden

- Legal:
 - *Miljöbalken* is consolidated environmental legislation
- Institutional:
 - *Havs- och Vattenmyndigheten* (directorate) is national water authority, five county councils (out of 21) are regional authorities
 - Some regulatory authority dispersed to other agencies (*Skogstyrelsen, Naturvårdsverket*)
 - Some authority exerted by independent legal authority (*miljødomstolen, environmental court of justice*)
- Territorial:
 - Five river basin districts, only partially defined by ecosystem
 - Regional branches of nat'l agencies doesn't fit entirely with RBDs

Norway

- Legal:
 - *Water regulation* is not a law, and it is subordinate to laws which regulate stressors
 - Legal powers are dispersed to numerous laws
- Institutional:
 - Legal powers over stressors vested with several governmental agencies, no supreme authority
 - County councils are «authorities» without coordinative powers
 - System is highly decentralised, all RBDs issue own plans
- Territorial:
 - Use of several principles of territorial specialization
 - 11 river basin districts, defined by ecosystem-based principle
 - Several governmental divisions following different maps

Thank you!

More info:

www.klimasatsing.no/wapabat